

8. The method of claim 4, comprising the steps:

- receiving the phone number of the mobile phone (43; 73) from the customer system (40; 70) or the mobile phone (43; 73);
- storing the phone number at the merchant system (45; 75).

REMARKS

The election to prosecute in this case the claims of Group 1 is affirmed.

Claims 4, 7 and 8 have been rejected under 35 U.S.C. 112 as being indefinite. These claims have been amended accordingly.

The present invention pertains to ordering a deliverable by a customer having access to a customer system from a merchant system over a network. In order to make this ordering process more secure, in accordance with this invention, confirmation of the order must be made over a mobile phone. Furthermore, payment for the deliverable is charged to the mobile phone account.

All of the claims have been rejected under 35 U.S.C. §103 as being unpatentable over a combination of references that always includes FOLADARE. FOLADARE is said to teach the critical step of making the confirmation over a mobile phone. However, FOLADARE teaches no such thing.

Parent
is
acting as
agent of
child?

FOLADARE pertains to a credit card account for a child in which the child has a spending limit and tries to make a purchase that exceeds the spending limit authorization. In such event, the credit card company automatically calls the parent to request an increase in the spending limit authorization for the child. One suggested medium for

making the call is a mobile phone. This is not a confirmation by the purchaser, but rather by a parent of the purchaser and furthermore it is not a confirmation of the purchase but a request to raise the spending limit.

The child can make a purchase under the spending limit without having the credit card company call the parent (i.e., without making a confirmation over a mobile phone). Thus, this use of a mobile phone is not a confirmation of the purchase over a mobile phone at all.

In view of the Examiner's reliance upon FOLADARE for a teaching of this critical aspect in all of the §103 rejections, all of the §103 rejections are defective as a result.

CONCLUSIONS

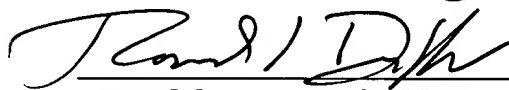
It is believed that all of the pending claims fully meet all of the requirements of 35 U.S.C. § 112 and also distinguish readily over all of the cited art, when taken individually and in combination. Accordingly, allowance

① Not
Recited
Simply
recites
confirming
the
ordering of deliv.
if this is
thought
② Even if
recited,
parent = agent
of child
who acts
to

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of the pending claims is believed to be in order and is respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ronald L. Drumheller", with a checkmark above the end of the signature.

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VERSION OF CLAIMS SHOWING CHANGES MADE

4. (AMENDED) Method for handling by a carrier system (48; 78) the payment process for a customer who ordered a deliverable (41; 71) through a merchant system (45; 75) at a certain price, the customer having access to a customer system (40; 70) and a mobile phone (43; 73) with associated phone number, comprising
- obtaining transaction information for the ordering of the deliverable from the merchant system (45; 75);
 - obtaining the phone number of the mobile phone (43; 73);
 - sending an order confirmation for the deliverable (41; 71) to the mobile phone (43; 73) using the phone number;
 - receiving through the mobile phone (43; 73) [an] the order confirmation for the deliverable (41; 71);
 - charging a phone bill (51; 81) maintained by the carrier system (48; 78) for the mobile phone (43; 73) with the certain price; and
 - sending an order confirmation or payment confirmation to the merchant system (45; 75).
7. (TWICE AMENDED) The method of claim 2, comprising the steps:
- sending the phone number of the mobile phone (43; 73) from the customer system (40; 70) or the mobile phone (43; 73) to the merchant system (45; 75);
 - storing the phone number at [so that it is obtainable if needed by] the [carrier system (48; 78) and/or] merchant system (45; 75).
8. (TWICE AMENDED) The method of claim 4, comprising the steps:

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- receiving the phone number of the mobile phone (43; 73) from the customer system (40; 70) or the mobile phone (43; 73);
- storing the phone number at [so that it is obtainable if needed by] the [carrier system (48; 78) and/or] merchant system (45; 75).